

### **REMARKS**

The non-final Office Action of November 24, 2009, (“the Office Action”) has been carefully reviewed and the remarks that follow are responsive thereto. Claims 1, 6, 8, 10-11, 22-23, 25-28, and 30 have been amended. Claims 9, 12-13, 15-21, and 29 have been canceled. Claim 3, 14, and 24 were previously canceled. Claims 31-40 have been added. No new matter has been introduced. Claims 1-2, 4-8, 10-11, 22-23, 25-28, and 30-40 are thus pending. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. § 112***

Claims 1, 12, and 22 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Without acquiescing to the rejection, Applicants have amended claims 1 and 22 to be in more preferred form and have canceled claim 12. Applicants respectfully submit that, as amended, claims 1 and 22 comply with section 112, first paragraph. Thus, Applicants respectfully request that this rejection be withdrawn.

#### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1, 2, 4-13, 15-23, and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0030752 of Begeja et al. (“Begeja”) in view of U.S. Patent No. 6,760,916 to Holtz et al. (“Holtz”) and further in view of U.S. Patent Application Publication No. 2003/0028889 of McCoskey et al. (“McCoskey”). For the reasons set forth below, Applicants respectfully traverse these rejections.

Amended independent claim 1 recites, *inter alia*:

wherein one or more additional VOD clips are included as component VOD clips of the composite VOD clip, the one or more additional VOD clips including an advertising VOD clip selected from a plurality of advertising VOD clips based on the selected VOD clip categories.

Applicants respectfully submit that nowhere does Begeja teach or suggest such features.

The Office Action, at page 8, asserts that Begeja, in various passages, discloses “wherein the one or more additional VOD clips comprise VOD clips selected from the group consisting of advertising VOD clips[,] promotional VOD clips pertaining to VOD content unrelated to the

composite VOD clip[,] and promotional VOD clips pertaining to VOD content related to the composite VOD clip[.]” Office Action at 8 (internal citations omitted). In pertinent part, Begeja indeed states that “[a]dditional marketing and advertising (such as a commercial placed between every third clip stitched together) could be tied into the video stream in one embodiment of the present invention at the Headend from providers 320 such as DoubleClick.” Begeja at paragraph [0057]. In addition, Begeja states that “[r]elevant information that might be embedded into a media stream being delivered as just described might include, for example, information about the subject matter of the stream or information related thereto, such as advertising for related products or services.” Begeja at paragraph [0087].

Notwithstanding the above passages, Begeja is wholly devoid of any teaching or suggestion of “the one or more additional VOD clips including an advertising VOD clip selected from a plurality of advertising VOD clips based on the selected VOD clip categories,” as recited in amended independent claim 1 (emphasis added). Holtz and McCoskey are similarly deficient.

For example, Holtz, in pertinent part, states:

In an embodiment, the prices for the advertisements are based on the content of a media production. The content can be evaluated or determined by a particular show, topic, category, media, time period, or the like. Advertisements linked by content are called targeted advertisements. Such targeted advertisements typically command a higher premium than a non-targeted advertisement used to fill an open slot (i.e., a slot not sold to targeted advertisements).

Holtz at 35:53-61 (emphasis added). Nevertheless, Holtz lacks any teaching or suggestion of “the one or more additional VOD clips including an advertising VOD clip selected from a plurality of advertising VOD clips based on the selected VOD clip categories,” as recited in amended independent claim 1 (emphasis added).

In addition, McCoskey, in pertinent part, states:

The search results form 674 shown in FIG. 19 contains data fields including, but not limited to, program title, schedule time of availability, content provider or channel, program type, category, running time, production date, critical reviews or links to reviews, data concerning frequency and number of downloads by other users, target audience or content rating, and the general description including program description, plot line, and cast. The system 200 then accesses the user's profile and determines if based on user information, account type, and search type whether advertising is to

be incorporated into the display of the search results. If so, select advertising routine 669 (see FIG. 14B) determines what targeted and general advertising is to be sent and retrieves from the aggregator local database 501 the advertisements that have not previously been sent to the user and stored in the user terminal 202 for playout.

McCoskey at paragraph [0100] (emphasis added). Notwithstanding the foregoing passage, McCoskey is wholly devoid of any teaching or suggestion of “the one or more additional VOD clips including an advertising VOD clip selected from a plurality of advertising VOD clips based on the selected VOD clip categories,” as recited in amended independent claim 1 (emphasis added).

Therefore, even assuming, without conceding, that Begeja, Holtz, and McCoskey would have been properly combinable, no combination thereof would have resulted in the features recited in amended independent claim 1. For at least these reasons, amended independent claim 1 is allowable.

Claims 2, 4-8, and 10-11 ultimately depend from amended independent claim 1. Thus, claims 2, 4-8, and 10-11 are allowable by virtue of their dependence, and further in view of the various features recited therein.

Amended independent claim 22 recites, *inter alia*:

wherein a second video clip included in the plurality of video clips includes an advertisement selected from a plurality of advertisements based on the at least one video clip category included in the first selection and the at least one video clip metadata search attribute included in the third selection.

(emphasis added). Applicants respectfully submit that nowhere does Begeja teach or suggest such features. Indeed, Begeja is wholly devoid of any teaching or suggestion of the above-reproduced features recited in amended independent claim 22.

Holtz and McCoskey are similarly deficient. Holtz, for instance, describes basing the prices of advertisements on the content of a media production, as further discussed above. McCoskey, on the other hand, describes determining whether to incorporate advertising based on user information, account type, and search type. Both references thus lack any teaching or suggestion of the above-reproduced features recited in amended independent claim 22.

Therefore, even assuming, without conceding, that Begeja, Holtz, and McCoskey would have been properly combinable, no combination thereof would have resulted in the features recited

in amended independent claim 22. For at least these reasons, amended independent claim 22 is allowable.

Claims 23, 25-28, and 30 ultimately depend from amended independent claim 22. Thus, claims 23, 25-28, and 30 are allowable by virtue of their dependence, and further in view of the various features recited therein.

#### *New Claims*

Claims 31-40 have been added, and no new matter has been introduced. Support for claims 31-40 may be found in at least paragraphs [0026] to [0040] of the original specification and elsewhere throughout the disclosure. In addition, for at least the reasons set forth below, Applicants respectfully submit that claims 31-40 are allowable over Begeja, Holtz, and McCoskey.

Independent claim 31 recites similar features as amended independent claim 22, and thus independent claim 31 is allowable for substantially the same reasons as amended independent claim 22.

Claims 32-36 ultimately depend from independent claim 31. Thus, claims 32-36 are allowable by virtue of their dependence, and further in view of the various features recited therein.

Independent claim 37 recites, *inter alia*:

generating, at the server, a composite video, the composite video including a first video clip and a second video clip, the first video clip being associated with the at least one clip category and the at least one metadata search attribute, and the second video clip including an advertisement selected from a plurality of advertisements based on the at least one clip category and the at least one metadata search attribute.

(emphasis added). Applicants respectfully submit that, for reasons similar to those discussed above with respect to amended independent claim 22, the applied art fails to teach or suggest such features. For at least these reasons, independent claim 37 is allowable.

Claims 38, 39, and 40 ultimately depend from independent claims 1, 22, and 31, respectively. Thus, claims 38, 39, and 40 are allowable by virtue of their dependence, and further in view of the various features recited therein.

**CONCLUSION**

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is invited to contact the undersigned at (202) 824-3223.

Respectfully submitted,  
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